

## CHAPTER 231—S.F.No. 693

*An act relating to natural resources; clarifying, modifying, and expanding rulemaking authority and other powers and duties of the commissioner of natural resources relating to game and fish, wild rice, stromatolites, and cross-country ski passes; clarifying, modifying, and expanding provisions relating to the taking, purchase, sale, possession, and transportation of wild animals; regulating entry and uses on certain public lands and waters; providing for the expiration of certain commissioner's orders; providing an exemption from rulemaking requirements; authorizing emergency rules; providing penalties; appropriating money; amending Minnesota Statutes 1992, sections 84.14, subdivision 3; 84.1525, subdivision 2; 85.41, subdivision 2; 85.45; 97A.045, subdivision 4, and by adding a subdivision; 97A.055, by adding a subdivision; 97A.091, subdivisions 1 and 2; 97A.095, subdivision 2; 97A.105, subdivision 1, and by adding a subdivision; 97A.137; 97A.255, subdivision 2; 97A.401, subdivision 4; 97A.415, subdivision 2; 97A.431, subdivisions 1 and 4; 97A.433, subdivisions 1 and 4; 97A.435, subdivision 4; 97A.441, by adding a subdivision; 97A.475, by adding a subdivision; 97A.485, subdivision 6, and by adding a subdivision; 97A.505, subdivision 5, and by adding a subdivision; 97A.535, subdivision 2; 97A.545, subdivisions 1, 2, 4, and by adding a subdivision; 97A.551, by adding a subdivision; 97B.425; 97B.671, subdivisions 1 and 2; 97B.711, subdivision 2, and by adding a subdivision; 97B.721; 97B.811, by adding a subdivision; 97C.025; 97C.051, subdivision 1; 97C.081, subdivisions 2, 3, and by adding a subdivision; 97C.205; 97C.311; 97C.331; 97C.345, subdivision 4, and by adding a subdivision; 97C.391, subdivision 1; 97C.405; 97C.505, subdivision 1; 97C.601, subdivision 6; 97C.805, subdivisions 1, 2, and 4; and 97C.865; Laws 1991, chapter 259, section 24; proposing coding for new law in Minnesota Statutes, chapters 97A; 97B; and 97C.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1992, section 84.14, subdivision 3, is amended to read:

Subd. 3. The commissioner may ~~by order establish~~ adopt rules for the harvesting of wild rice on all public waters or portions thereof. ~~Such~~ The rules need not include the opening dates, days, and hours of the wild rice harvesting season.

The opening dates, days, and hours of harvest shall be established by the commissioner and ~~published by posting at such places and~~ publicized in such

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manner as the commissioner shall by rule prescribe, no less than 48 hours prior to the opening thereof.

After the season for the taking of wild rice has been designated, the commissioner may alter the season by changing the days and the hours of the day during which such harvest may be conducted on any or all public waters or portions thereof. Whenever the commissioner alters the season notice thereof shall be published by posting in the vicinity of the waters or rice beds affected by such alteration at such places and in such manner as the commissioner shall by rule prescribe, no less than 12 hours prior to the time such alterations are to take effect.

Sec. 2. Minnesota Statutes 1992, section 84.1525, subdivision 2, is amended to read:

Subd. 2. **RULES.** The commissioner may adopt rules governing establishing criteria and procedures for:

(1) the issuance of stromatolite permits under subdivision 1 with reasonable conditions; and

(2) the denial, modification, suspension, or revocation of stromatolite permits for cause.

Sec. 3. Minnesota Statutes 1992, section 85.41, subdivision 2, is amended to read:

Subd. 2. **LICENSE AGENTS.** County auditors are appointed agents of the commissioner for the sale of cross-country ski passes. The commissioner may appoint other state agencies as agents for the sale of passes. A county auditor may appoint subagents within the county or within adjacent counties to sell passes. Upon appointment the auditor shall notify the commissioner of the name and address of the subagent. The auditor may revoke the appointment of a subagent, and the commissioner may revoke the appointment of a state agency, at any time. Upon demand of the commissioner, the auditor shall revoke a subagent's appointment. The auditor shall furnish pass blanks on consignment to any subagent who furnishes a surety bond in favor of the county in an amount at least equal to the value of the blanks to be consigned to that subagent. A surety bond is not required of a state agency appointed by the commissioner. The county auditor shall be responsible for all blanks issued to, and user fees received by agents, except in St. Louis county or in a county where the county auditor does not retain fees paid for license purposes. In these counties, the responsibilities imposed upon the county auditor are imposed upon the county. The commissioner may promulgate additional rules as provided in section 97A.485, subdivision 11.

Any resident desiring to sell cross-country ski passes may either purchase for cash or obtain on consignment pass blanks from a county auditor in groups of not less than ten individual blanks. In selling passes, the resident shall be

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deemed a subagent of the county auditor and the commissioner, and shall observe all rules promulgated by the commissioner for the accounting and handling of licenses pursuant to section 97A.485, subdivision 11.

The county auditor shall promptly deposit all monies received from the sale of passes with the county treasurer, and shall promptly transmit any reports required by the commissioner, plus 96 percent of the price to each pass holder, exclusive of the issuing fee, for each pass sold or consigned by the auditor and subsequently sold to a pass holder during the accounting period. The county auditor shall retain as a commission four percent of all pass fees, excluding the issuing fee for passes consigned to subagents and the issuing fee on passes sold by the auditor to pass holders.

Unsold blanks in the hands of any subagent shall be redeemed by the commissioner if presented for redemption within the time prescribed by the commissioner. Any blanks not presented for redemption within the period prescribed shall be conclusively presumed to have been sold, and the subagent possessing the same or to whom they are charged shall be accountable.

Sec. 4. Minnesota Statutes 1992, section 85.45, is amended to read:

**85.45 ~~PENALTY~~ PENALTIES.**

Subdivision 1. SKIING WITHOUT PASS. No person may ski on a public cross-country ski trail, including a grant-in-aid cross-country ski trail, without a valid cross-country ski pass. Effective July 1, 1984, any person who violates ~~the provision of this section~~ subdivision is guilty of a petty misdemeanor.

Subd. 2. FALSE STATEMENTS. A person who knowingly makes a false statement related to an application for a cross-country ski pass is guilty of a petty misdemeanor.

Sec. 5. Minnesota Statutes 1992, section 97A.045, subdivision 4, is amended to read:

Subd. 4. **BOUNDARY WATERS.** The commissioner may regulate the taking, possession, and transportation of wild animals from state and international boundary waters. The rules may include:

(1) special seasons for taking fish; and

(2) restrictions on the limits of fish that may be taken, possessed, or transported from international boundary waters by a person possessing both a Minnesota angling license and an angling license from an adjacent Canadian province.

Sec. 6. Minnesota Statutes 1992, section 97A.045, is amended by adding a subdivision to read:

Subd. 9. NOTICE OF RULEMAKING. In addition to notice requirements under chapter 14, the commissioner shall attempt to notify persons or groups of persons affected by rules adopted under the game and fish laws by public announcements, press releases, and other appropriate means as determined by the commissioner.

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Sec. 7. Minnesota Statutes 1992, section 97A.055, is amended by adding a subdivision to read:

Subd. 5. PELTING FEES. The commissioner may pay a pelting fee to a person who recovers, treats, preserves, or transports the pelt of a fur-bearing animal that is accidentally killed or is lawfully taken under section 97B.655. The commissioner may adopt rules setting pelting fees and governing their payment. The amounts necessary to pay the fees are appropriated from the game and fish fund to the commissioner.

Sec. 8. Minnesota Statutes 1992, section 97A.091, subdivision 1, is amended to read:

Subdivision 1. **HUNTING AND POSSESSION OF FIREARMS.** Except as provided in subdivision 2, a person may not take a wild animal, except fish, within a state game refuge. A person may not carry within a refuge:

(1) a firearm ~~within a refuge~~ unless the firearm is unloaded and contained in a case, or unloaded and broken down; or

(2) an uncased bow.

Sec. 9. Minnesota Statutes 1992, section 97A.091, subdivision 2, is amended to read:

Subd. 2. **WHEN HUNTING ALLOWED.** (a) The commissioner may allow hunting of a protected wild animal species within any portion of a state game refuge, including a state park; ~~during the next regular open season.~~ Hunting in a refuge may be allowed under this paragraph only if the commissioner finds:

(1) the population of the species exceeds the refuge's carrying capacity;

(2) the species is causing substantial damage to agricultural or forest crops in the vicinity;

(3) the species or other protected wild animals are threatened by the species population; or

(4) a harvestable surplus of the species exists.

(b) The commissioner may allow hunting of unprotected wild animals in a game refuge.

(c) The commissioner may prescribe rules for any hunting allowed within a refuge.

Sec. 10. **[97A.092] CONTROLLED HUNTING ZONES.**

The commissioner may by rule establish controlled hunting zones in areas on or adjacent to wildlife management areas and game refuges where the com-

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missioner determines it is necessary to limit the distribution of waterfowl hunters. The commissioner may by rule establish conditions for entry and restrictions on hunting in a controlled hunting zone, including procedures for impartially selecting hunters for the zone.

Sec. 11. Minnesota Statutes 1992, section 97A.095, subdivision 2, is amended to read:

Subd. 2. **WATERFOWL FEEDING AND RESTING AREAS.** The commissioner may, by rule, designate any part of a lake as a migratory feeding or resting area. Before designation, the commissioner must receive a petition signed by at least ten local resident licensed hunters describing the area of a lake that is a substantial feeding or resting area for migratory waterfowl, and find that the statements in the petition are correct, and that adequate, free public access to the lake exists near the designated area. The commissioner shall post the area as a migratory waterfowl feeding and resting area. Except as authorized in rules adopted by the commissioner, a person may not enter a posted migratory waterfowl feeding and resting area, during the open a period when hunting of migratory waterfowl season is allowed, with watercraft or aircraft propelled by a motor, other than an electric motor of less than 30 pounds thrust. The commissioner may, by rule, further restrict the use of electric motors in migratory waterfowl feeding and resting areas.

Sec. 12. **[97A.098] TRESPASS ON FEDERAL LANDS.**

A person may not enter or use a national wildlife refuge or federal waterfowl production area in violation of federal law.

Sec. 13. Minnesota Statutes 1992, section 97A.105, subdivision 1, is amended to read:

Subdivision 1. **LICENSE REQUIREMENTS.** (a) A person may breed and propagate fur-bearing animals, game birds, bear, moose, elk, caribou, or deer only on privately owned or leased land and after obtaining a license. Any of the permitted animals on a game farm may be sold to other licensed game farms. "Privately owned or leased land" includes waters that are shallow or marshy, are not actually navigable, and are not of substantial beneficial public use. Before an application for a license is considered, the applicant must enclose the area to sufficiently confine the animals to be raised in a manner approved by the commissioner. A license may be granted only if the commissioner finds the application is made in good faith with intention to actually carry on the business described in the application and the commissioner determines that the facilities are adequate for the business.

(b) A person may purchase live game birds or their eggs without a license if the birds or eggs, or birds hatched from the eggs, are released into the wild, consumed, or processed for consumption within one year after they were purchased or hatched. This paragraph does not apply to the purchase of migratory waterfowl or their eggs.

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Sec. 14. Minnesota Statutes 1992, section 97A.105, is amended by adding a subdivision to read:

Subd. 9. RULES. The commissioner may adopt rules for:

- (1) the issuance of game farm licenses;
- (2) the inspection of game farm facilities;
- (3) the acquisition and disposal of game farm animals; and
- (4) record keeping and reporting by game farm licensees.

Sec. 15. Minnesota Statutes 1992, section 97A.137, is amended to read:

**97A.137 HUNTING AND, FISHING, AND TRESPASSING IN WILDLIFE MANAGEMENT AREAS.**

Subdivision 1. HUNTING AND FISHING. Wildlife management areas are open to hunting and ~~trapping~~ fishing unless closed by rule of the commissioner or by posting under subdivision 2.

Subd. 2. COMMISSIONER MAY RESTRICT ENTRY TO DESIGNATED AREAS. The commissioner may, by posting in accordance with section 97B.001, subdivision 4, designate areas within wildlife management areas that are closed to entry for the purpose of providing areas where disturbance of wildlife can be minimized. A person may not enter an area posted under this subdivision except as authorized by rule or a permit issued by the commissioner.

Sec. 16. Minnesota Statutes 1992, section 97A.255, subdivision 2, is amended to read:

Subd. 2. **BURDEN OF PROOF.** (a) In a prosecution that alleges animals have been taken, bought, sold, transported, or possessed in violation of the game and fish laws, the burden of establishing that the animals were domesticated, reared in a private preserve, raised in a private fish hatchery or aquatic farm, taken for scientific purposes, lawfully taken, or received as a gift, is on the defendant.

(b) The commissioner may by rule prescribe the documentation or other evidence sufficient to demonstrate lawful possession of:

- (1) a wild animal received as a gift; and
- (2) a wild animal taken on an Indian reservation or in another state, province, or country.

Sec. 17. Minnesota Statutes 1992, section 97A.401, subdivision 4, is amended to read:

**Subd. 4. TAKING WILD ANIMALS FROM GAME REFUGES, WILD-**

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**LIFE MANAGEMENT, AND OTHER AREAS.** Special permits may be issued, with or without a fee, to take a wild animal from game refuges, wildlife management areas, state parks, controlled hunting zones, and other areas of the state that the commissioner may open for the taking of a wild animal during a special season or subject to special restrictions. In addition, an application fee may be charged for a special permit. Fees to be collected shall be based upon the estimated cost of conducting the special season or administering the special restrictions.

Sec. 18. Minnesota Statutes 1992, section 97A.415, subdivision 2, is amended to read:

Subd. 2. **TRANSFER PROHIBITED.** A person may not lend, transfer, borrow, or solicit a license or permit, application for a license or permit, coupon, tag, or seal, or use a license, permit, coupon, tag, or seal not issued to the person unless otherwise expressly authorized.

Sec. 19. **[97A.418] PERMIT RULES.**

Wherever the game and fish laws specifically provide for the issuance of a permit by the commissioner, the commissioner may do the following in accordance with criteria and procedures established in rules adopted by the commissioner:

(1) issue a permit with reasonable conditions; and

(2) deny, modify, suspend, or revoke a permit for cause, including violation of the game and fish laws or rules adopted thereunder.

Sec. 20. Minnesota Statutes 1992, section 97A.431, subdivision 1, is amended to read:

Subdivision 1. **NUMBER OF LICENSES; PARTY SIZE.** The commissioner shall include in a rule setting the dates for a moose season:

(1) the number of licenses to be issued; and

(2) the size of a moose hunting party, not to exceed six persons.

Sec. 21. Minnesota Statutes 1992, section 97A.431, subdivision 4, is amended to read:

Subd. 4. **SEPARATE SELECTION; ELIGIBILITY.** (a) The commissioner may conduct a separate selection for up to 20 percent of the moose licenses to be issued for an area. Only owners of, and tenants living on, at least 160 acres of agricultural or grazing land in the area, and their family members, are eligible for the separate selection. Persons that are unsuccessful in a separate selection must be included in the selection for the remaining licenses.

(b) The commissioner may by rule establish criteria for determining eligible family members under this subdivision.

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Sec. 22. Minnesota Statutes 1992, section 97A.433, subdivision 1, is amended to read:

Subdivision 1. **NUMBER OF LICENSES; PARTY SIZE.** The commissioner shall include ~~the number of licenses to be issued~~ in a rule setting the dates for an elk season:

- (1) the number of licenses to be issued; and
- (2) the size of an elk hunting party, not to exceed two persons.

Sec. 23. Minnesota Statutes 1992, section 97A.433, subdivision 4, is amended to read:

Subd. 4. **SEPARATE SELECTION; ELIGIBILITY.** (a) The commissioner may conduct a separate selection for up to 20 percent of the elk licenses to be issued for an area. Only owners of, and tenants living on, at least 160 acres of agricultural or grazing land in the area, and their family members, are eligible for the separate selection. Persons that are unsuccessful in a separate selection must be included in the selection for the remaining licenses. Persons who obtain an elk license in a separate selection must allow public elk hunting on their land during the elk season for which the license is valid.

(b) The commissioner may by rule establish criteria for determining eligible family members under this subdivision.

Sec. 24. Minnesota Statutes 1992, section 97A.435, subdivision 4, is amended to read:

Subd. 4. **SEPARATE SELECTION OF ELIGIBLE LICENSEES.** (a) The commissioner may conduct a separate selection for up to 20 percent of the turkey licenses to be issued for any area. Only persons that are owners or tenants of and that live on at least 40 acres of agricultural or grazing land in the area, and their family members, are eligible applicants for turkey licenses for the separate selection. Persons that are unsuccessful in a separate selection must be included in the selection for the remaining licenses. Persons that obtain a license in a separate selection must allow public turkey hunting on their land during that turkey season.

(b) The commissioner may by rule establish criteria for determining eligible family members under this subdivision.

Sec. 25. **[97A.438] RELEASE OF WILD TURKEYS; PERMIT REQUIRED.**

A person may not release a wild turkey or wild turkey hybrid without a permit from the commissioner.

Sec. 26. Minnesota Statutes 1992, section 97A.441, is amended by adding a subdivision to read:

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Subd. 8. DUPLICATE LICENSES. There is no fee for a duplicate license if the original license was issued without a fee.

Sec. 27. Minnesota Statutes 1992, section 97A.475, is amended by adding a subdivision to read:

Subd. 43. DUPLICATE LICENSES. The fees for duplicate licenses are:

- (1) for licenses to take big game, \$5; and
- (2) for other licenses, \$2.

Sec. 28. Minnesota Statutes 1992, section 97A.485, is amended by adding a subdivision to read:

Subd. 2a. LICENSES TO TAKE ADDITIONAL DEER. The commissioner may appoint federal, state, or local government employees to be agents of the commissioner for the sale of licenses or permits to take additional deer under section 97B.301, subdivision 4. A bond is not required of a government employee appointed under this subdivision.

Sec. 29. Minnesota Statutes 1992, section 97A.485, subdivision 6, is amended to read:

Subd. 6. **LICENSES TO BE SOLD AND ISSUING FEES.** (a) Persons authorized to sell licenses under this section must sell the following licenses for the license fee and the following issuing fees:

- (1) to take deer or bear with firearms and by archery, the issuing fee is \$1;
  - (2) Minnesota sporting, the issuing fee is \$1; and
  - (3) to take small game, for a person under age 65 to take fish by angling or for a person of any age to take fish by spearing, and to trap fur-bearing animals, the issuing fee is \$1;
  - (4) for a trout and salmon stamp that is not issued simultaneously with an angling or sporting license, an issuing fee of 50 cents may be charged at the discretion of the authorized seller; and
  - (5) for stamps other than a trout and salmon stamp, there is no fee.
- (b) An issuing fee may not be collected for issuance of a trout and salmon stamp if a stamp is issued simultaneously with the related angling or sporting license. Only one issuing fee may be collected when selling more than one trout and salmon stamp in the same transaction after the end of the season for which the stamp was issued.
- (c) The auditor or subagent shall keep the issuing fee as a commission for selling the licenses.

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(d) The commissioner shall collect the issuing fee on licenses sold by the commissioner.

(e) A license, except stamps, must state the amount of the issuing fee and that the issuing fee is kept by the seller as a commission for selling the licenses.

(f) The fee for an angling license paid by a resident 65 years of age or over must be refunded to the licensee upon request to the commissioner, if the request is made within 30 days of the sale. The commissioner shall design a system on the license for this purpose. An auditor or subagent may not provide postage stamps or pre-addressed envelopes for obtaining the refund. An auditor or subagent must provide information on the purposes for which license receipts are spent and the effects of applying for a refund.

(g) For duplicate licenses, the issuing fees are:

(1) for licenses to take big game, 75 cents; and

(2) for other licenses, 50 cents.

Sec. 30. Minnesota Statutes 1992, section 97A.505, is amended by adding a subdivision to read:

Subd. 3a. TRANSPORTATION OF ANIMALS INTO STATE. Wild animals lawfully taken, bought, sold, or possessed outside the state may be brought or shipped into the state unless otherwise provided by law.

Sec. 31. Minnesota Statutes 1992, section 97A.505, subdivision 5, is amended to read:

Subd. 5. **LICENSE NOT REQUIRED FOR ANIMALS ACQUIRED BY GIFT.** Lawfully taken protected wild animals may be transferred by gift. A person is not required to have a license to possess and transport protected wild animals acquired by gift ~~if the person has written proof as prescribed by the commissioner.~~

Sec. 32. Minnesota Statutes 1992, section 97A.535, subdivision 2, is amended to read:

Subd. 2. **~~DEER TAKEN BY ARCHERY, ELK, AND MOOSE MUST HAVE ADDITIONAL TAG REGISTRATION REQUIRED.~~** Deer ~~taken by archery,~~ bear, elk, and moose must be ~~tagged~~ registered as prescribed by the commissioner, in addition to the tag required in subdivision 1.

Sec. 33. Minnesota Statutes 1992, section 97A.545, subdivision 1, is amended to read:

Subdivision 1. **RESIDENTS SHIPPING BY COMMON CARRIER.** A resident that ships ~~undressed~~ game birds to the resident by common carrier without being in the vehicle may not make more than three shipments during a license year. A shipment may not contain more than the resident's daily limit.

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Sec. 34. Minnesota Statutes 1992, section 97A.545, subdivision 2, is amended to read:

Subd. 2. **NONRESIDENTS SHIPPING BY COMMON CARRIER.** A nonresident that ships ~~undressed~~ game birds to the nonresident by common carrier without being in the vehicle must obtain a shipping permit from the commissioner. The commissioner shall issue the permit upon request, without a fee. The carrier receiving the shipment must cancel the permit as prescribed by the commissioner.

Sec. 35. Minnesota Statutes 1992, section 97A.545, subdivision 4, is amended to read:

Subd. 4. **UNDRESSED GAME BIRDS TAKEN OUTSIDE OF THIS STATE.** (a) A person may transport into the state ~~undressed~~ game birds that are lawfully taken and possessed outside of this state.

(b) A resident may ship the ~~undressed~~ game birds by common carrier within the state. A nonresident may ship the ~~undressed~~ game birds out of the state by common carrier. Each shipment must be tagged or sealed by a conservation officer as prescribed by the commissioner.

Sec. 36. Minnesota Statutes 1992, section 97A.545, is amended by adding a subdivision to read:

**Subd. 5. BIRDS MUST BE IN UNDRESSED CONDITION; EXCEPTIONS.** (a) Except as provided in paragraph (b), a person may ship or otherwise transport game birds in an undressed condition only.

(b) Paragraph (a) does not apply if the birds being shipped or otherwise transported:

(1) were taken on a shooting preserve and are marked or identified in accordance with section 97A.121, subdivision 5; or

(2) were taken, dressed, and lawfully shipped or otherwise transported in another state.

Sec. 37. Minnesota Statutes 1992, section 97A.551, is amended by adding a subdivision to read:

**Subd. 5. PREPARATION AND PACKING OF FISH FOR TRANSPORTATION.** The commissioner may adopt rules for the preparation and packing of fish for transportation.

Sec. 38. Minnesota Statutes 1992, section 97B.425, is amended to read:

97B.425 **BAITING BEARS.**

Notwithstanding section 609.68, a person may place bait to take bear and must display a tag at each site where bait is placed and register the sites. The

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commissioner shall prescribe the method of tagging and registering the sites. To attract bear a person may not use a bait with:

- (1) a carcass from a mammal, if the carcass contains more than 25 percent of the intact carcass;
- (2) meat from mammals, if the meat contains bones;
- (3) bones of mammals;
- (4) solid waste containing bottles, cans, plastic, paper, or metal;
- (5) materials that are not readily biodegradable; or
- (6) any part of a swine, except cured pork.

Sec. 39. Minnesota Statutes 1992, section 97B.671, subdivision 1, is amended to read:

Subdivision 1. **AUTHORIZATION TO TAKE PREDATORS.** If the commissioner determines that predators are damaging domestic or wild animals and further damage can be prevented, the commissioner shall authorize the taking of the predators by predator controllers. The commissioner shall define the area where the predators may be taken, the objectives to be achieved, procedures for notifying predator controllers, payments to be made, the methods to be used, and when the predator control shall cease.

Sec. 40. Minnesota Statutes 1992, section 97B.671, subdivision 2, is amended to read:

Subd. 2. **CERTIFICATION OF PREDATOR CONTROLLERS.** (a) The commissioner shall certify a person as a predator controller if the person has not violated a provision of this section and meets qualifications of experience, ability, and reliability. The commissioner shall establish application procedures, prescribe forms, and maintain a list of predator controllers. The application procedures must include reports from conservation officers and other department field personnel as to the ability and reliability of the applicants.

(b) The commissioner may revoke a certification if the predator controller violates a provision of section 97B.601 to 97B.671 or 97B.901 to 97B.945 or a rule of the commissioner relating to fur-bearing animals.

Sec. 41. Minnesota Statutes 1992, section 97B.711, subdivision 2, is amended to read:

Subd. 2. **DAILY AND POSSESSION LIMITS FOR CERTAIN UPLAND GAME BIRDS.** (a) A person may not take more than five in one day or possess more than ten of each of the following:

- (1) pheasant;

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- (2) ruffed grouse;
- (3) sharp tailed grouse;
- (4) Canada spruce grouse;
- (5) prairie chicken;
- ~~(5)~~ (6) gray partridge; and
- ~~(6)~~ (7) chukar partridge.

(b) A person may not take more than ten quail in one day or possess more than 15 bob-white quail.

(c) The commissioner may, by rule, reduce the daily and possession limits established in this subdivision.

Sec. 42. Minnesota Statutes 1992, section 97B.711, is amended by adding a subdivision to read:

Subd. 3. RESTRICTIONS. The commissioner may by rule prescribe methods and other restrictions for the taking of game birds.

Sec. 43. Minnesota Statutes 1992, section 97B.721, is amended to read:

97B.721 LICENSE REQUIRED TO TAKE TURKEY; TAGGING AND REGISTRATION REQUIREMENTS.

(a) A person may not take a turkey without a turkey license.

(b) The commissioner may by rule prescribe requirements for the tagging and registration of turkeys.

Sec. 44. Minnesota Statutes 1992, section 97B.811, is amended by adding a subdivision to read:

Subd. 5. RULES GOVERNING BLINDS. The commissioner may adopt rules for the use of blinds on public lands and public waters.

Sec. 45. [97B.928] IDENTIFICATION OF TRAPS AND SNARES.

Subdivision 1. INFORMATION REQUIRED. (a) A person may not set or place a trap or snare, other than on property owned or occupied by the person, unless the following information is affixed to the trap or snare in a manner that ensures that the information remains legible while the trap or snare is on the lands or waters:

- (1) the number and state of the person's driver's license;
- (2) the person's Minnesota identification card number; or

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(3) the person's name and mailing address.

(b) The commissioner may not prescribe additional requirements for identification of traps or snares.

Subd. 2. PROVISIONS NOT TO APPLY. From April 1 to August 31, the trap identification provisions of subdivision 1 do not apply to traps set for the taking of unprotected wild animals.

Subd. 3. PENALTY. A person who violates subdivision 1, paragraph (a), is guilty of a petty misdemeanor.

Sec. 46. [97B.951] **USE OF SNARES TO TAKE UNPROTECTED MAMMALS.**

A snare set for an unprotected mammal may not be left in place after March 31 except as authorized by the commissioner for the predator control program under section 97B.671.

Sec. 47. Minnesota Statutes 1992, section 97C.025, is amended to read:

**97C.025 FISHING AND MOTORBOATS PROHIBITED IN SPAWNING BEDS AND FISH PRESERVES CERTAIN AREAS.**

(a) Except as provided in paragraph (b), a person may not take fish from or drive motorboats over posted waters that:

(1) are designated as spawning beds or fish preserves; or

(2) are being used by the commissioner for fisheries research or management activities.

An area may be posted under this paragraph if necessary to prevent excessive depletion of fish or interference with fisheries research or management activities.

(b) An owner of riparian land adjacent to an area posted under paragraph (a) may operate a motorboat through the area by the shortest direct route at a speed of not more than five miles per hour.

Sec. 48. Minnesota Statutes 1992, section 97C.051, subdivision 1, is amended to read:

Subdivision 1. **PERMIT.** (a) The commissioner may issue a special permit, without a fee, to apply piscicides to restore waters at the permittee's expense. The commissioner may by rule prescribe insurance requirements for permit applicants.

(b) ~~The~~ A permit under this section may be issued to an individual, a group of riparian owners, or a lake improvement association. The permit may only be issued if all riparian owners have consented in writing.

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Sec. 49. Minnesota Statutes 1992, section 97C.081, subdivision 2, is amended to read:

Subd. 2. **CONTESTS WITHOUT A PERMIT.** A person may conduct a fishing contest with entry fees of \$10, or less, per person and total prizes valued at \$2,000, or less, without a permit from the commissioner. ~~The commissioner may, by rule, establish restrictions on the fishing contest to protect fish and fish habitat and for the safety of contest participants.~~

Sec. 50. Minnesota Statutes 1992, section 97C.081, subdivision 3, is amended to read:

Subd. 3. **CONTESTS AUTHORIZED BY COMMISSIONER.** The commissioner may, by rule or permit, allow fishing contests with entry fees over \$10 per person ~~and~~ or total prizes valued at more than \$2,000. Permits must be issued without a fee and if the commissioner does not deny the permit within 14 days, excluding holidays, after receipt of an application, the permit is granted.

Sec. 51. Minnesota Statutes 1992, section 97C.081, is amended by adding a subdivision to read:

Subd. 4. RESTRICTIONS. The commissioner may by rule establish restrictions on fishing contests to protect fish and fish habitat and for the safety of contest participants.

Sec. 52. ~~[97C.085]~~ **PERMIT REQUIRED FOR TAGGING FISH.**

A person may not tag or otherwise mark a live fish for identification without a permit from the commissioner.

Sec. 53. Minnesota Statutes 1992, section 97C.205, is amended to read:

**97C.205 RULES FOR SPORTING ORGANIZATIONS TO REAR AND STOCK TRANSPORTING AND STOCKING FISH.**

(a) The commissioner may adopt rules to regulate:

(1) the transportation of fish and fish eggs from one body of water to another; and

(2) the stocking of waters with fish or fish eggs.

(b) The commissioner shall prescribe rules designed to encourage local sporting organizations to propagate game fish by using rearing ponds. The rules must:

(1) prescribe methods to acquire brood stock for the ponds by seining public waters;

(2) allow the sporting organizations to own and use seines and other necessary equipment; and

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(3) prescribe methods for stocking the fish in public waters that give priority to the needs of the community where the fish are reared and the desires of the organization operating the rearing pond.

Sec. 54. Minnesota Statutes 1992, section 97C.311, is amended to read:

**97C.311 LAKE SUPERIOR FISHING GUIDE LICENSE.**

Subdivision 1. LICENSE REQUIRED. A person may not operate a charter boat and guide anglers on Lake Superior for compensation without a Lake Superior fishing guide license.

Subd. 2. RULES. The commissioner shall ~~prescribe~~ adopt rules for ~~qualifi-~~  
~~cation and:~~

- (1) issuance of the licenses, including qualifications for licensees; and
- (2) record keeping and reporting by licensees.

Subd. 3. FEDERAL REQUIREMENTS. A person may not use a watercraft for activities authorized under this section unless the watercraft complies with all applicable licensing and safety requirements of the United States Coast Guard.

**Sec. 55. [97C.327] MEASUREMENT OF FISH LENGTH.**

For the purpose of determining compliance with size limits for fish in this chapter or in rules of the commissioner, the length of a fish must be measured from the tip of the nose to the tip of the tail when fully extended.

Sec. 56. Minnesota Statutes 1992, section 97C.331, is amended to read:

**97C.331 SNAGGING FISH PROHIBITED.**

A person may not:

- (1) intentionally take fish with by snagging; or
- (2) use a snagline, snagpole, snaghook, or cluster of fish hooks, designed to be placed in or drawn through the water to hook the body of a fish.

Sec. 57. Minnesota Statutes 1992, section 97C.345, subdivision 4, is amended to read:

Subd. 4. EXCEPTIONS. ~~This section does~~ Subdivisions 1 to 3 do not apply to:

- (1) nets used to take rainbow smelt during the open season;
- (2) nets used to land game fish taken by angling;
- (3) seines or traps used for the taking of minnows for bait;

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(4) nets, seines, or traps possessed and used under an aquatic farm license; and

(5) angling equipment.

Sec. 58. Minnesota Statutes 1992, section 97C.345, is amended by adding a subdivision to read:

Subd. 5. RULES. The commissioner may adopt rules to regulate the use of nets to take fish.

Sec. 59. Minnesota Statutes 1992, section 97C.391, subdivision 1, is amended to read:

Subdivision 1. **GENERAL RESTRICTIONS.** A person may not buy or sell fish taken from the waters of this state, except:

(1) minnows;

(2) rough fish excluding ciscoes;

(3) smelt taken from Lake Superior and rivers and streams that flow into Lake Superior;

(4) fish taken under licensed commercial fishing operations;

(4) (5) fish that are private aquatic life; and

(5) (6) fish lawfully taken and subject to sale from other states and countries.

Sec. 60. Minnesota Statutes 1992, section 97C.405, is amended to read:

97C.405 MUSKELLUNGE SIZE LIMITS.

(a) Except as allowed under paragraph (b), if a person catches a muskellunge less than ~~36 40~~ inches long ~~in waters north of trunk highway No. 210~~, the person must immediately release the fish into the waters.

(b) The commissioner may designate lakes north of trunk highway No. 210 where muskellunge less than ~~36 40~~ inches, but not less than 30 inches long, may be retained.

Sec. 61. Minnesota Statutes 1992, section 97C.505, subdivision 1, is amended to read:

Subdivision 1. **AUTHORITY TO TAKE, POSSESS, BUY, AND SELL.** (a) Minnows may be taken, possessed, bought, and sold, subject to the restrictions in this chapter and in rules adopted by the commissioner under paragraph (b). A person may not take, possess, or sell minnows except for use as bait or for ornamental or aquacultural purposes.

(b) The commissioner may adopt rules for the taking, possession, purchase, sale, and transportation of minnows.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 62. Minnesota Statutes 1992, section 97C.601, subdivision 6, is amended to read:

Subd. 6. **BUYING AND SELLING FOR PURPOSES OTHER THAN BAIT RULES.** The commissioner shall prescribe rules for taking, buying, selling, possessing, importing, and transporting frogs for purposes other than bait.

Sec. 63. Minnesota Statutes 1992, section 97C.805, subdivision 1, is amended to read:

Subdivision 1. **OPEN SEASON.** (a) The commissioner shall, by rule, prescribe the open season and open state waters for netting lake whitefish and ciscoes. The commissioner may open specific lakes and waters that are otherwise closed if the commissioner posts notice of the date and time in appropriate public places at least 48 hours before the open season begins.

(b) The commissioner may close specific lakes and waters that are otherwise open under this subdivision if the commissioner posts notice of the closing at a minimum of three sites on the shore of the waters, including all public water access sites. Before closing waters under this paragraph, the commissioner shall determine that the closure is necessary to protect game fish populations.

Sec. 64. Minnesota Statutes 1992, section 97C.805, subdivision 2, is amended to read:

Subd. 2. **RESTRICTIONS.** (a) The netting of lake whitefish and ciscoes is subject to the restrictions in this subdivision.

(b) A person may not use:

- (1) more than two nets;
- (2) a net more than 100 feet long; or
- (3) a net more than three feet wide.

(c) The mesh size of the nets may not be less than:

(1) 1-3/4 inches, ~~extension~~ stretch measure, for nets used to take ciscoes; and

(2) 3-1/2 inches, ~~extension~~ stretch measure, for all other nets.

(d) A net may not be set in water, including ice thickness, deeper than six feet.

(e) The commissioner may designate waters where nets may be set so that portions of the net extend into water deeper than six feet under conditions prescribed by the commissioner to protect game fish. A pole or stake must project at least two feet above the surface of the water or ice at one end of each net.

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(f) A net may not be set within 50 feet of another net.

(g) A person may not have angling equipment in possession while netting lake whitefish or ciscoes.

Sec. 65. Minnesota Statutes 1992, section 97C.805, subdivision 4, is amended to read:

Subd. 4. **NO LIMIT ON ROUGH FISH NETTED.** Lake whitefish and ciscoes taken under this section may be taken and possessed without limit. Rough fish caught while netting may be retained. All other fish taken while netting must be returned to the water immediately.

Sec. 66. Minnesota Statutes 1992, section 97C.865, is amended to read:

97C.865 **FISH PACKERS.**

Subdivision 1. LICENSE REQUIRED; RECORDS. (a) A person engaged in a business providing services to a person taking fish may not prepare dressed game fish for shipment without a fish packer's license. The fish packer must maintain a permanent record of:

- (1) the name, address, and license number of the shipper;
- (2) the name and address of the ~~assignee~~ consignee; and
- (3) the number of each species and net weight of fish in the shipment.

(b) The records of the fish packer must be made available to an enforcement officer upon request.

Subd. 2. RULES. The commissioner may adopt rules establishing requirements for labeling and packing fish under a fish packer's license.

Sec. 67. **[97C.871] CRAYFISH.**

The commissioner may adopt rules, including record keeping requirements, for taking, importing, buying, selling, possessing, and transporting crayfish.

Sec. 68. Laws 1991, chapter 259, section 24, is amended to read:

Sec. 24. **EXPIRATION OF EXISTING COMMISSIONER'S ORDERS.**

The following commissioner's orders that would be rules within the definition of Minnesota Statutes, section 14.02, subdivision 4, but for the exception in Minnesota Statutes 1990, section 14.03, subdivision 3, and have not been adopted under the rulemaking provisions of Minnesota Statutes, chapter 14, expire and are terminated July September 1, 1993. This section is intended to allow sufficient time for the commissioner to make recommendations to the legislature regarding orders existing as of the effective date of this act that should be exempted from the rulemaking requirements in section 5, and for the legisla-

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ture to act on the recommendations: 1774, 2164, 2238, 2240, 2265, 2272, 2303, 2304, 2311, 2360, 2375, 2377, 2391, 2396, 2400, 2403, 2429, and 2450.

**Sec. 69. EXEMPTION FROM RULEMAKING REQUIREMENTS.**

(a) The proposed rule published at State Register, volume 17, pages 2550 to 2688, is exempt from further requirements under Minnesota Statutes, chapter 14, and may be adopted by the commissioner of natural resources by publication in the manner prescribed in Minnesota Statutes, section 14.18. The rule is effective September 1, 1993, or five working days after publication, whichever is later.

(b) The exemption in paragraph (a) applies only to the extent that the rule is authorized by law. This section does not constitute legislative ratification of the contents of the rule or provide independent statutory authority for the rule.

**Sec. 70. AUTHORITY FOR EMERGENCY RULES.**

Rules adopted under sections 2, 7, 10, 11, 14, 19 to 23, 37, 42, 44, 48, 53, 54, 58, 61, 62, 66, and 67 may be adopted as emergency rules under Minnesota Statutes, sections 14.29 to 14.36, except that section 14.29, subdivision 4, does not apply.

**Sec. 71. INSTRUCTION TO REVISOR.**

The revisor of statutes shall include the rule identified in section 69 in the next supplement or compilation of Minnesota Rules in the same manner as other permanent rules adopted under chapter 14.

**Sec. 72. EFFECTIVE DATE.**

This act is effective the day following final enactment, except that section 45 is effective August 1, 1993, and applies to violations occurring on or after that date.

Presented to the governor May 14, 1993

Signed by the governor May 17, 1993, 3:11 p.m.

**CHAPTER 232—S.F.No. 832**

*An act relating to occupations and professions; regulating athletic trainers; establishing an advisory council; providing for registration; requiring fees; providing for rulemaking; imposing penalties; appropriating money; amending Minnesota Statutes 1992, section 116J.70, subdivision 2a; proposing coding for new law in Minnesota Statutes, chapter 148.*

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:**

New language is indicated by underline, deletions by ~~strikeout~~.